



County of Los Angeles CHIEF EXECUTIVE OFFICE

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Chief Executive Officer

May 2, 2008

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From: *William T. Fujioka*
William T. Fujioka
Chief Executive Officer

SINGLE USE BAG REDUCTION AND RECYCLING PROGRAM AND EXPANDED POLYSTYRENE FOOD PACKAGING CONTAINERS - QUARTERLY PROGRESS REPORT NO. 1

On January 22, 2008, your Board adopted the County of Los Angeles' Single Use Bag Reduction and Recycling Program and instructed the Chief Executive Officer, in partnership with the Directors of Public Works, Internal Services, Public Health, and the Sanitation Districts, and key stakeholders, including large supermarkets and retail stores, the plastic bag industry, environmental organizations, and recyclers, to implement the Program by July 1, 2008. The Board further directed staff to provide quarterly progress reports to the Board and interested stakeholders.

In addition, on May 22, 2007, your Board instructed: 1) the Director of Public Works, in consultation with the Director of Internal Services and County Counsel, to investigate the impact of prohibiting the purchase and use of expanded polystyrene food packaging containers at all County facilities, County offices, County-managed concessions, County-permitted events, and County-sponsored events; 2) the Director of Public Works, in consultation with County Counsel, to investigate the feasibility of prohibiting the use of expanded polystyrene food containers at all food service establishments and retail stores in the County unincorporated areas, including recommended changes to the County Code; and 3) the Director of Public Works to enhance the educational and public outreach campaigns to encourage Los Angeles County residents, public agencies, school districts, and cities to utilize environmentally-friendly alternatives to expanded polystyrene.

Each Supervisor
May 2, 2008
Page 2

Since the public policy issues are similar, the Working Group for plastic bags has also assumed the responsibility of investigating the prohibition of expanded polystyrene (EPS - commonly known as StyrofoamTM) food packaging containers. Accordingly, quarterly status updates on our efforts to address plastic carryout bags and EPS food packaging containers have been combined to streamline communications.

Plastic Carryout Bags

The Working Group met on March 19, 2008 and April 16, 2008 to work on the various elements of the County of Los Angeles' Single Use Bag Reduction and Recycling Program (Program) including:

- Store related efforts including a list of stores subject to the County's Program, a plan for integrating convenience stores and other appropriate franchise stores, and a methodology for monitoring, tracking, and evaluating stores progress in attaining the Board's policy goals.
- Additional program components including outreach to cities, public education, and store recognition programs.
- County ordinances to enforce benchmarks and require an environmental awareness message on plastic carryout bags
- State legislation that would enable the implementation of fees on plastic carryout bags; allocate fee revenues to local governments for litter prevention and source reduction efforts; establish Statewide benchmarks to reduce the consumption of plastic carryout bags and increase at-store recycling of plastic carryout bags; and include an environmental awareness message on plastic carryout bags.
- Lawsuit challenging the City of Oakland's ban on plastic carryout bags.

The status of these Program elements and other current issues that affect the Program implementation efforts is summarized in the attachment.

EPS Food Packaging Containers

A draft report that examines the feasibility of banning EPS food packaging containers at County operations has been reviewed by County departments/agencies and is currently being reviewed by stakeholders. We anticipate forwarding the final report to your Board for consideration, including a recommended action for Board approval, in June 2008.

Each Supervisor
May 2, 2008
Page 3

The draft report recommends prohibiting the purchase and use of EPS food packaging containers at all County operations effective July 1, 2008. Additional recommendations provide County departments/agencies with the following tiered approach for replacing EPS when purchasing food packaging products: (1) maximize the use of reusable/durable goods, and (2) implement the following alternatives in order of priority: biodegradable and paper alternatives, recyclable alternatives, and other non-EPS alternatives. The recommendations include the ability for County departments/agencies to seek waivers to the prohibition in instances where public health and safety is a concern or there are no suitable alternatives; waiver requests would be evaluated on a case-by-case basis.

The Working Group continues to explore opportunities to enhance public education and outreach on alternatives to expanded polystyrene. Public Works has modified its education and outreach campaigns to encourage the use of environmentally friendly alternative to EPS.

If you have any questions regarding this memorandum, please contact me, or your staff may contact Burt Kumagawa of this Office at (213) 893-9742, or via e-mail at bkumagawa@ceo.lacounty.gov.

WTF:LS
DSP:BK:os

Attachment (1)

- c: Executive Officer, Board of Supervisors
- County Counsel
- Acting Director of Internal Services
- Acting Director of Public Works
- Director and Health Officer of Public Health
- Treasurer and Tax Collector
- Sanitation Districts of Los Angeles County

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

SINGLE BAG REDUCTION AND RECYCLING PROGRAM			
PROGRAM ELEMENT	BOARD DUE DATE	STATUS	
Store Related Efforts	By July 1, 2008	<ul style="list-style-type: none"> • Public Works (DPW) is compiling the database of stores. • Proposed methodology has been developed and shared with the stakeholders. Evaluating possibility of including credit for bags recycled through curbside programs. • Proposed menu has been provided to stakeholders for feedback. • Upon establishment of the menu of store-specific programs, minimum store participation levels will be developed for implementation. • Proposed environmental awareness messages have been provided to stakeholders for review. Submission of alternative messages from stakeholders has been encouraged. 	

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

PROGRAM ELEMENT	BOARD DUE DATE	STATUS
Additional Program Components <ul style="list-style-type: none"> • Develop a public education campaign to promote reusable bags and at-store recycling. • Develop a Store Recognition Program. • Identifying litter hot spots and developing a focused anti-litter campaign. • Maximize recycled content and promote recycling markets for all single-use bags. • Ban plastic carryout bags at County facilities. • Continue to encourage cities to join Program. 	<p>No specific due dates, however these components of the Program will be finalized by Fall 2008 and will be evaluated/updated as appropriate</p>	<ul style="list-style-type: none"> • Drafted public education campaign shared with stakeholders for feedback. • Developed and distributed a draft program to stakeholders. • Preliminary identification of litter hot-spots requires refinement and verification by DPW. • Strategies will be developed by the County Working Group and reviewed with stakeholders. • Concept introduced by County Work Group for further consideration. • On March 12, 2008, a five-signature letter, program fact sheet, and sample resolution, were sent to all cities inviting them to join the Program. The cities of Azusa, Bell, Hermosa Beach, Pico Rivera, and Signal Hill have adopted resolutions to join the Program, and several other cities are considering such an action.

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

PROGRAM ELEMENT	BOARD DUE DATE	STATUS
County Ordinance: Enforcement of Benchmarks Affected stores in the unincorporated County must meet the following benchmarks to reduce plastic bag use and increase at-store recycling, otherwise actions to establish a ban will be triggered: 1. 30 percent reduction by July 1, 2010 2. 65 percent reduction by July 1, 2013 A one-year extension may apply if the actual observed reduction is within 3% of a benchmark goal and "good faith" efforts have been demonstrated.	By April 1, 2010	County Counsel has not yet commenced preparation of the draft ordinance as it is not required to be drafted until April 1, 2010 as directed by your Board. Implementation of the Ordinance will require California Environmental Quality Act (CEQA) compliance.
County Ordinance: Environmental Awareness Message Require that each plastic carryout bag distributed by affected stores in the unincorporated County is imprinted with an environmental awareness message.	No specific due date	County Counsel has not yet commenced preparation of an ordinance pending development of appropriate messages and pursuit of legislation that would require an environmental awareness message Statewide.

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PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

PROGRAM ELEMENT	BOARD DUE DATE	STATUS
State Legislation to Reduce Plastic Bag Litter <ul style="list-style-type: none"> • Repeal State law that prevents local government from imposing a point-of-purchase fee on plastic carryout bags. • Implement a Statewide fee on plastic carryout bags, with revenue directed to local governments on a per-capita basis. • Establish statewide benchmarks to reduce consumption and increase at-store recycling of plastic carryout bags. • Require an environmental awareness message be imprinted on each plastic carryout bag, describing the negative impacts of littered plastic carryout bags have on the environment and wildlife, and the need to use reusable bags. 	2008 Legislative Year	County-sponsored AB 2829 (Davis) was considered in the Assembly Natural Resources Committee on April 14, 2008; during the Committee proceedings, an agreement was reached to amend the provisions of AB 2829 into AB 2058 (Levine) and include Assembly Members Davis and Brownley as joint authors. AB 2058 was held in suspense by the Assembly Appropriations Committee on April 30, 2008; the Committee is expected to vote on whether to move the Bill to the Assembly Floor by May 23, 2008.
City of Oakland Lawsuit	Ongoing	<p>On April 17, 2008, the Superior Court agreed with the plastic bag industry and ruled that the City's ordinance did not comply with CEQA, thus voiding the City's ordinance. The City is evaluating whether to contest the court's ruling, or pursue completion of the necessary CEQA environmental documentation (however, this process would delay the implementation of the ordinance by at least a year, and may cost upwards of \$100,000 to complete).</p> <p>We will continue to monitor the effort by the City of Oakland and analyze its relevance to the Los Angeles County Single Bag Recycling and Reduction Program.</p>

**SUMMARY OF COUNTY EFFORTS TO ADDRESS
PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE FOOD CONTAINERS**

EXPANDED POLYSTYRENE ("EPS"-COMMONLY KNOWN AS STYROFOAM™) FOOD CONTAINERS			
PROGRAM ELEMENT	BOARD DUE DATE	STATUS	
Phase 1 – Banning EPS Food Containers at County Operations In April 2008, a draft staff report was forwarded to all County departments/agencies for review. The draft staff report recommends: <ol style="list-style-type: none"> 1. Banning EPS food containers at County operations effective July 1, 2008. 2. Directing County Departments to follow a tiered approach when replacing EPS food containers: <ul style="list-style-type: none"> ▪ Maximize the use of reusable/durable goods. ▪ Implement the following alternatives in order of priority: (1) biodegradable and paper alternatives, (2) recyclable alternatives, and (3) other non-EPS alternatives. 3. Allowing case-by-case waivers to be issued in instances where public safety is a concern or if there are no suitable alternatives. 	May 2008	On April 29, 2008, the draft staff report was forwarded to stakeholders for peer review. Based on stakeholder feedback, the final staff report will be forwarded to the Board for consideration in June 2008.	
Phase 2 – Applying the EPS Ban to All Retail Food Establishments in County Unincorporated Areas Phase I results will be used to formulate effective recommendations for Phase II, such as technical feasibility and cost impact of alternatives.	Spring 2009	The Phase II report will be forwarded to the Board in 2009.	Page 5 of 5